

BOSE McKINNEY & EVANS LLP



2700 First Indiana Plaza  
135 North Pennsylvania Street  
Indianapolis, Indiana 46204  
(317) 684-5000

PATENT APPLICATION

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Group: 2872

Atty. Docket: 11934-0005

Applicants: Jones

Invention: STEREOGRAPHIC BOOK

Serial No.: 09/269,837

Filed: April 26, 1999

Examiner: Winstedt, J.

Certificate Under 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on July 21, 2000

Timothy E. Niednagel

Dated: July 21, 2000

REQUEST FOR RECONSIDERATION  
OF RESTRICTION UNDER 37 C.F.R. § 1.143

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action of March 22, 2000 and the subsequent communication mailed June 30, 2000, the Examiner's election of species or restriction requirement is respectfully traversed. The above-referenced application was filed under 35 U.S.C. § 371 as a national stage application of PCT application PCT/US97/18028. In the Office Action, the Examiner applied the election of species standard for applications filed under 35 U.S.C. § 111 found in MPEP § 809.02(a). The above-referenced application was filed under 35 U.S.C. § 371 and not 35 U.S.C. § 111.

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The restriction practice for applications filed under 35 U.S.C. § 111 is not applicable for applications filed under 34 U.S.C. § 371. MPEP §§ 1893.03(d); 1895.01; 1896. "Examiners are reminded that unity of invention (not restriction) practice is applicable in . . . national stage (filed under 35 U.S.C. 371) applications." MPEP, § 1893.03(d).

The standard for unity of invention in national stage applications is provided in 37 C.F.R. § 1.475. 37 C.F.R. § 1.499. "An international and a national application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). 37 C.F.R. § 1.475(a). "[A] national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to . . . [a] product and a process specially adapted for the manufacture of said product . . . ." 37 C.F.R. § 1.475(b)(1).

"When making a lack of unity invention requirement, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no general inventive concept) specifically describing unique special technical feature in each group." MPEP, § 1893.03(d).

Applying the standard of unity of invention provided in 37 C.F.R. § 1.475(b)(1), Applicant submits that the claims of the above-referenced application have unity of invention. Thus, it is respectfully requested that the Examiner withdraw the election of species requirement.

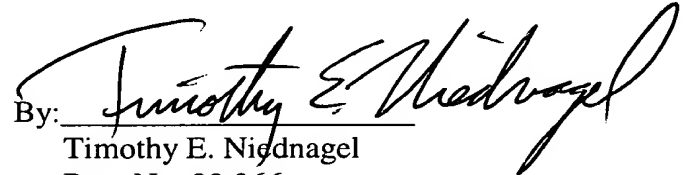
As required under 37 C.F.R. § 1.143, species 7 is elected.

In the event that an extension of time under 37 C.F.R. § 1.136 is deemed necessary or appropriate for the timely filing of this Request, Applicant hereby petitions for

such extension of time and hereby authorizes charging the small entity fee for such petition to  
Deposit Account No. 02-3223 with reference to Matter 11934-5.

Respectfully submitted,

BOSE MCKINNEY & EVANS LLP

By:   
Timothy E. Niednagel  
Reg. No. 33,266

TEN/nb  
Indianapolis, Indiana  
(317) 684-5281  
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